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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTURO PACHECO,

Defendant.

CASE NO. 2:20-CR-221 WBS

**STIPULATION AND ORDER TO CONTINUE
STATUS CONFERENCE AND EXCLUDE TIME
UNDER SPEEDY TRIAL ACT**

DATE: April 19, 2021
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

The United States of America, by and through Assistant U.S. Attorney Brian A. Fogerty, and defendant Arturo Pacheco, by and through his counsel David W. Dratman, hereby agree and stipulate as follows:

1. On November 19, 2020, a grand jury returned a four-count indictment, charging Pacheco with two counts of deprivation of rights under color of law, in violation of 18 U.S.C. § 242, and two counts of falsification of records in a federal investigation, in violation of 18 U.S.C. § 1519. ECF No. 1.
2. On November 20, 2020, Pacheco appeared before the Honorable Carolyn K. Delaney, at which hearing the court set this matter for a status conference and excluded the time between November 20, 2020, and January 12, 2021, from the computation of time in which trial must commence under the Speedy Trial Act. ECF No. 5. The case was subsequently reassigned to this Court, and by subsequent order the Court excluded time and set this case for a status conference on April 19, 2021. ECF No. 16.
3. Since the initiation of the charges against the defendant, the government has produced discovery, including several hundred pages of documents and audio recordings. Counsel for the

defendant needs time to investigate the allegations underlying the charges in the indictment, examine the evidence, confer with his client, and prepare for trial while also handling other matters in federal and state court.

4. Based on the foregoing facts, the parties request that the Court vacate the April 19, 2021, status conference and reset the case for a status conference to be held on June 21, 2021, at 9:00 a.m. The parties further agree and request that the Court exclude the time between April 19, 2021, and June 21, 2021, from the computation of time in which trial must commence under the Speedy Trial Act, pursuant to Local Code T-4. The parties agree that the interests of justice served by excluding the time between April 19, 2021, and June 21, 2021, under the Speedy Trial Act, outweigh the best interests of the public and the defendant in a speedy trial. The parties request that the Court adopt the facts set forth herein and order time excluded from April 19, 2021, to and including June 21, 2021, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4, to allow defense counsel to investigate and prepare for trial.

Dated: April 14, 2021

PHILLIP A. TALBERT
Acting United States Attorney

By: /s/ BRIAN A. FOGERTY
BRIAN A. FOGERTY
Assistant United States Attorney

Dated: April 14, 2021

/s/ DAVID W. DRATMAN
DAVID W. DRATMAN
Counsel for Defendant
Arturo Pacheco

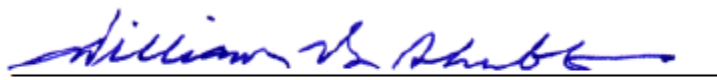
ORDER

The Court, having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court vacates the April 19, 2021, status conference and resets the matter for a status conference on June 21, 2021, at 9:00 a.m. The Court also specifically finds that based on the facts set forth in the parties' stipulation, the failure to exclude the time between April 19, 2021, and June 21, 2021, would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. Time from April 19, 2021, to and including June 21, 2021, is excluded from the computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4.

Moreover, the ongoing COVID-19 pandemic has led to the suspension of jury trials in this district since March 17, 2020, and the General Orders of this court issued in connection with the pandemic allow for continuances and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), with no further findings required. General Orders 611, 612, 617, and 618. Additionally, the April 16, 2020 Order of the Judicial Council of the Ninth Circuit suspended the time limits of 18 U.S.C. § 3161(c) due to a judicial emergency in this district until May 2, 2021. See In re Approval of the Judicial Emergency Decl. in the E. Dist. of Cal., 956 F.3d 1175 (9th Cir. Judicial Council 2020).

IT IS SO ORDERED.

Dated: April 15, 2021


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE